

ORDINANCE NO. 12-14

INTRODUCTION DATE: 08-01-12

ADOPTION DATE: 08-15-12

ORDINANCE AMENDING CHAPTER II (ADMINISTRATION), SECTION 2-41  
(INDEMNIFICATION OF MUNICIPAL OFFICERS AND EMPLOYEES) OF THE REVISED  
GENERAL ORDINANCES OF THE TOWNSHIP OF MILLSTONE, COUNTY OF  
MONMOUTH AND STATE OF NEW JERSEY

---

BE IT ORDAINED by the Township Committee of the Township of Millstone, County of Monmouth, State of New Jersey, as follows (additions are underlined, and deletions are in [brackets]):

**I**

Chapter 2, Administration, Section 2-41, Indemnification of Municipal Officers and Employees, is hereby amended to read as follows:

**2-41 INDEMNIFICATION OF MUNICIPAL OFFICERS AND EMPLOYEES.**

2-41.1 **Indemnification; Requirement.** Subject to subsection 2-41.3, whenever any civil action has been or shall be brought against a member of the Township Committee, or other Township Official, ~~or~~ Township employee or any Township volunteer serving on any Board, Commission, Council or in any Township run program(s) (collectively "Township Personnel") for any action or omission arising out of or in the course of the performance of the duties of such person's office, the Township shall defray all defense costs and expenses, including reasonable attorney fees and expenses, together with cost of any appeal, for such ~~member of the Township Committee~~ Personnel in accordance with subsection 2-41.2, and shall save harmless and protect such individual from any financial loss resulting from the litigation.

2-41.2 **Indemnification; Defense.** Where the defendant is a any Township employee, ~~or~~

~~Official~~ Personnel, other than a Township Committee member the Township Committee shall appoint counsel for the defendant.

At the option of the member of the Township Committee who is the defendant in the civil action, the Township Committee may either designate counsel responsible to defend the Committee member or the Committee member may designate his own legal representation. If the Committee member designates his own legal representative, said designation shall be subject to the following prior to the commencement of representation:

a. – e. No change.

2-41.3 – No change.

## II

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

## III

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

## IV

This Ordinance shall take effect upon adoption and publication according to law.

### **EXPLANATORY STATEMENT:**

This Ordinance is to clarify that those volunteering to serve the Township Government are entitled to indemnification under Code Section 2-41.